

SENATE BILL 559

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2003 Regular Session
3r1631
CF 3r1630

By: **Senators Pinsky, Conway, Grosfeld, Jimeno, Kelley, Ruben, and Stone**
Introduced and read first time: January 31, 2003
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 27, 2003

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - ~~Service Fees and Binding~~**
3 **Arbitration**

4 FOR the purpose of ~~authorizing collective bargaining to include the rights of an~~
5 ~~employee organization to receive service fees from nonmembers~~; providing that
6 a certain grievance is subject to binding arbitration; requiring that binding
7 arbitration be conducted if requested by a certain appointing authority or
8 exclusive representative; prescribing the method for selecting an arbitrator;
9 establishing the powers and duties of an arbitrator; providing for the payment of
10 the cost of arbitration; defining a certain term; and generally relating to ~~service~~
11 ~~fees and~~ binding arbitration.

12 ~~BY repealing and reenacting, with amendments,~~
13 ~~Article - State Personnel and Pensions~~
14 ~~Section 3-502~~
15 ~~Annotated Code of Maryland~~
16 ~~(1997 Replacement Volume and 2002 Supplement)~~

17 BY adding to
18 Article - State Personnel and Pensions
19 Section 3-701 through ~~3-707~~ 3-706, inclusive, to be under the new subtitle
20 "Subtitle 7. Binding Arbitration"
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2002 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1 3-703.

2 THE APPOINTING AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE SHALL
3 SELECT AN ARBITRATOR BY MUTUAL AGREEMENT OR BY ALTERNATING STRIKES
4 FROM A LIST THAT:

5 (1) IS PROVIDED BY THE FEDERAL MEDIATION AND CONCILIATION
6 SERVICE; AND

7 (2) CONSISTS OF NINE LABOR ARBITRATORS WHO ARE MEMBERS OF
8 THE NATIONAL ACADEMY OF ARBITRATORS.

9 3-704.

10 (A) AN ARBITRATOR SELECTED UNDER § 3-703 OF THIS SUBTITLE MAY:

11 (1) CONVENE AND CONDUCT AN EVIDENTIARY HEARING;

12 (2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES
13 AND THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE;

14 (3) HEAR EVIDENCE AND RULE ON THE ADMISSIBILITY OF EVIDENCE;

15 (4) DETERMINE WHICH ISSUES ARE IN DISPUTE; AND

16 (5) ISSUE A FINAL, BINDING RULING ON THE GRIEVANCE.

17 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS
18 SECTION OR FAILS TO TESTIFY ON A MATTER ON WHICH THE PERSON LAWFULLY
19 MAY BE INTERROGATED, ON PETITION OF THE ARBITRATOR, A COURT MAY:

20 (1) PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
21 COMPELLING TESTIMONY; AND

22 (2) ENFORCE THE ORDER BY PROCEEDINGS OF CONTEMPT.

23 3-705.

24 AN ARBITRATOR SHALL DELIVER A COPY OF A RULING AND A WRITTEN
25 STATEMENT THAT EXPLAINS THE REASONS FOR THE RULING TO THE EXCLUSIVE
26 REPRESENTATIVE AND THE APPOINTING AUTHORITY.

27 3-706.

28 THE COSTS OF BINDING ARBITRATION, INCLUDING AN ARBITRATOR'S FEES AND
29 OTHER COSTS RELATED TO A HEARING, CONDUCTED UNDER THIS SUBTITLE SHALL
30 BE PAID EQUALLY BY THE APPOINTING AUTHORITY AND THE EXCLUSIVE
31 REPRESENTATIVE.

1 ~~3-707.~~

2 ~~A GRIEVANCE PRESENTED TO AN ARBITRATOR FOR BINDING ARBITRATION~~
3 ~~UNDER THIS SUBTITLE MAY NOT BE PRESENTED UNDER TITLE 12 OF THIS ARTICLE.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.